

Standard Conditions of NPDES Permits



Today's Speakers

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Standard Conditions-2

Standard Conditions Regulations

- Sometimes called “boilerplate” permit conditions
- **40 CFR 122.41**—Conditions applicable to all permits
- **40 CFR 122.42**—Additional conditions applicable to specified categories of NPDES permits



Standard Conditions-3

Standard Conditions in the Permit

- Standard conditions must appear in every NPDES permit either
 - expressly (verbatim) or
 - by reference
- States, tribes, or territories might have more stringent requirements



Standard Conditions-4

List of Standard Conditions – 40 CFR 122.41

- | | |
|--|------------------------------|
| a. Duty to comply | j. Monitoring and records |
| b. Duty to reapply | k. Signatory requirement |
| c. Need to halt or reduce activity not a defense | l. Reporting requirements |
| d. Duty to mitigate | 1. Planned change |
| e. Proper O & M | 2. Anticipated noncompliance |
| f. Permit actions | 3. Transfers |
| g. Property rights | 4. Monitoring reports |
| h. Duty to provide information | 5. Compliance schedules |
| i. Inspection and entry | 6. 24 hour reporting |
| | 7. Other non-compliance |
| | 8. Other information |



Standard Conditions-5

List of Standard Conditions (continued)

- **Bypass [40 CFR 122.41(m)]**
 - intentional diversion of waste streams from any portion of a treatment facility
 - bypass not exceeding limitations allowed without notice under some circumstances [§122.41(m)(2)]
 - bypass prohibited otherwise except where [§122.41(m)(4)]:
 - a bypass was unavoidable to prevent loss of life, personal injury or severe property damage **and**
 - there were no feasible alternatives to the bypass **and**
 - facility gives notice before bypass or within 24 hours if bypass is unanticipated



Standard Conditions-6

List of Standard Conditions (continued)

- **Upset [40 CFR 122.41(n)]**
 - an exceptional incident that causes an unintentional, temporary non-compliance with a technology-based effluent limit
 - a demonstrated upset constitutes an affirmative defense for violation of technology-based limits
 - conditions necessary to demonstrate upset:
 - identify cause of upset
 - facility operated properly
 - proper notices provided to permitting authority
 - compliance with appropriate mitigation procedures



Standard Conditions-7

Additional Standard Conditions - 40 CFR 122.42

- **Notification levels for existing non-POTWs (industrial dischargers) [§122.42(a)]**
 - requirement for toxic pollutants not limited in permit
 - discharged on routine or frequent basis
 - discharged on non-routine or infrequent basis
- **Notification for POTWs [§122.42(b)]**
 - introduction of new pollutants
 - change in pollutant volume or character of pollutants introduced
- **Requirements for stormwater discharges [§122.42(c),(d)]**
- **Requirements for CAFOs [§122.42(e)]**



Standard Conditions-8

Feedback and Other Presentations

Questions or comments?

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Standard Conditions-9